

Remarks

This paper is in response to the Office Action mailed September 28, 2005. In view of the above amendment to claim 16 and following remarks, Applicant respectfully requests reconsideration and allowance of claims 1-16.

In the Office Action, claim 16 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Office Action asserts that in claim 16, line 5, the phrase "a capacitor" is confusing as it is unclear how it relates to the previously recited capacitor. Claim 16 is being amended to delete the phrase "particularly a capacitor resulting between a wheel of the vehicle and the track," to improve the clarity of the language. Accordingly, withdrawal of the rejection of claim 16 under 35 U.S.C. 112, second paragraph is respectfully requested.

In the Office Action, claims 1-3, 8-10, and 14-16 were rejected under 35 U.S.C. 102(b) as being anticipated by Laurent et al. (U.S. Pat. No. 4,442,988). Laurent et al. discloses an apparatus for the secure transmission of information through rails in zones of propagation. See Abstract of Laurent et al. The apparatus includes a series resonant circuit 51 connected between two rails 1, 2. The circuit 51 includes two series resonant circuits connected in parallel. Each of the parallel series resonant circuits forming circuit 51 includes a capacitor, 101, 102 and the primary windings 103, 104 of a transformer. See col. 2, lines 49-59 of Laurent et al. The capacitors 101, 102 disclosed in Laurent et al. are electrically connected between the rails 1, 2, and do not exist between the vehicle as asserted in the Office Action. Moreover, none of the capacitors disclosed in Laurent et al. maintain the transmission of information between the vehicle and track in the event of the loss of electrical contact between the vehicle and track.

The present invention pertains to a problem in a model railroad of maintaining the transmission of information between a vehicle and track in the event of a loss of electrical contact between the vehicle and track. The inventor of the present invention solves this problem by providing and/or using at least one capacitor that exists between the vehicle and the track.

Claims 1, 8, and 16 include the limitation of a capacitor between a vehicle and track for the transmission of information between the vehicle and track in the event of the loss of electrical contact between the vehicle and the track. As discussed above, Laurent et al. does not disclose or suggest this limitation. Claims 2, 3, 9, 10, 14, and 15 depend from one of claims 1, 8, and 16,

which Applicant believes are allowable. Accordingly, withdrawal of the rejection of claims 1-3, 8-10, and 14-16 under 35 U.S.C. 102 (b) is respectfully requested.

In the Office Action, claims 4-7 and 11-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Laurent et al. in view of Brown et al. (U.S. Pat. No. 5,485,977). As discussed above, Laurent et al. fails to disclose or suggests a capacitor between a vehicle and track that can be used to transmit information between the vehicle and track in the event of a loss of electrical contact between the vehicle and track, as recited in claims 1 and 8. Brown et al. fails to satisfy this deficiency. Claims 4-7 and 11-13 depend from one of claims 1 and 8, which Applicant believes are allowable. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 4-7 and 11-13 under 35 U.S.C. 103(a).

In the Office Action, the Office Action asserts that it is a known fact that a capacitor exists due to a loss of contact between a vehicle wheel and the track surface. In support of this assertion, the Office Action cites page 4 of Applicant's disclosure. Page 4 of Applicant's disclosure describes the phenomena of how capacitance is created between a vehicle and track. Nothing in Applicant's disclosure, however, states that a capacitor existing between a vehicle and track is well known. Moreover, even if this phenomena is well known, using the resulting capacitor existing between the vehicle and track to transmit information between the vehicle and track in the event of a loss of electrical contact between the vehicle and track is novel and, absent hindsight reconstruction, nonobvious.

Claim 16 is being amended. In view of the above amendments and remarks, Applicant respectfully requests reconsideration and allowance of claims 1-16. No fees for filing this response are believed to be due. However, if any fees are due, including fees for extensions of time, the Commissioner is hereby authorized to charge them to deposit account no. 17-0055.

Respectfully submitted,



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